



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUN 30 2005

REPLY TO THE ATTENTION OF

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Daniel Miller, Vice President  
Kikkoman Foods, Inc.  
Hwy 14 and Six Corners Road  
Walworth, WI 53184

Dear Mr. Miller:

Enclosed is your copy of the executed Administrative Consent Order (AO) which resolves violations of Kikkoman Foods, Incorporated.

Paragraphs 13, 14, 15 and 16 of the AO establish the compliance program that Kikkoman Foods has agreed to follow to achieve, demonstrate and maintain compliance with the alleged violations. Please make sure that you are familiar with, and that Kikkoman Foods complies with, the requirements and timelines in those paragraphs.

If you have any questions regarding this case, please contact Mony Chabria, Associate Regional Counsel, at 312-886-6842.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Bonnie Bush".

Bonnie Bush, Acting Chief  
Air Enforcement and Compliance Assurance Branch  
Michigan/Wisconsin Section

Enclosure

ARD  
EDMS

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	
	)	
Kikkoman Foods, Incorporated	)	<b>Administrative Consent Order</b>
Walworth, Wisconsin	)	
	)	<b>EPA-5-05-113(a)-WI-05</b>
Proceeding Under Sections	)	
113(a)(1) and 114(a)(1) of	)	
the Clean Air Act, 42 U.S.C.	)	
§§ 7413(a)(1) and 7414(a)(1)	)	

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**Administrative Consent Order**

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Order to Kikkoman Foods, Incorporated (Kikkoman) under Sections 113(a)(1) and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(1) and 7414(a)(1).

**Statutory and Regulatory Background**

2. Each state must submit to the Administrator of U.S. EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the Act, 42 U.S.C. § 7410.

3. On April 27, 1995, U.S. EPA approved Wisconsin Administrative Code (WAC) Section NR 424.03 (Process lines emitting organic compounds) as part of the federally enforceable SIP for Wisconsin. 60 Fed. Reg. 20643.

4. WAC § NR 424.03 requires that process lines emitting organic compounds which were constructed on or after August 1, 1979, shall control volatile organic compound emissions by at least 85%.

5. Under Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), the Administrator of U.S. EPA may issue an order requiring compliance to any person who has violated or is violating a SIP. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

6. The Administrator of U.S. EPA may require any person who owns or operates an emission source to make reports; install, use and maintain monitoring equipment; sample emissions; and provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

### **Findings**

7. Kikkoman owns and operates a food processing facility at Hwy 14 and Six Corners Road in Walworth, Wisconsin.

8. In late 2000, Kikkoman began construction of a new spray dryer at the Walworth facility. Operation of the spray dryer began on October 8, 2001. Operation of the spray dryer emits organic compounds. Therefore, Kikkoman is subject to WAC § NR 424.03.

9. Kikkoman's spray dryer is an "emission source" as defined in Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). Therefore, Kikkoman is subject to the requirements of Section 114(a)(1).

10. On November 8, 2004, U.S. EPA issued to Kikkoman a Notice of Violation alleging that Kikkoman violated WAC § NR 424.03 and the Wisconsin SIP by failing to control the organic compound emissions from the spray dryer by at least 85%.

11. On December 15, 2004, representatives of Kikkoman and U.S. EPA discussed the November 8, 2004 Notice of Violation.

12. During the relevant time period described above, U.S. EPA contends that Kikkoman violated WAC § NR 424.03. Kikkoman neither admits nor denies the U.S. EPA's contention.

### **Compliance Program**

13. Within one year of the effective date of this Order, Kikkoman must achieve, demonstrate, and maintain compliance with WAC § NR 424.03 at its Walworth, Wisconsin facility.

14. To achieve and maintain compliance with WAC § NR 424.03, Kikkoman must install and operate a thermal oxidizer (TO) to control volatile organic compound (VOC) emissions from the spray dryer at its Walworth, Wisconsin facility.

15. Kikkoman must install and operate the TO required in paragraph 14 in accordance with the schedule and parameters set forth below:

- a. By December 15, 2005, Kikkoman must install and operate the TO. Kikkoman shall continuously operate the TO whenever the spray dryer is in operation.
- b. By December 15, 2005, Kikkoman must install, operate, and maintain a device to monitor the temperature in the combustion chamber of the TO. The device shall monitor and record the combustion chamber temperature every 15 minutes whenever the TO is in operation.
- c. The combustion chamber temperature of the TO shall be maintained at or above 1500° F whenever the TO is operating unless an alternative minimum operating temperature is determined from an emissions test that demonstrated compliance with the VOC destruction efficiency of 95%.
- d. Within 120 days of start up of the TO, but no later than April 15, 2006, Kikkoman shall conduct an emissions test, in accordance with a U.S. EPA approved test protocol, to demonstrate a minimum VOC destruction efficiency of 95%.
- e. Within 45 days following the stack test required in paragraph 15(d), Kikkoman shall submit a stack test report.
- f. Kikkoman shall maintain all TO combustion chamber temperature recordings on site at the Walworth facility.

16. While this order is effective, Kikkoman must submit quarterly reports 15 days following the end of each calendar quarter (January 15, April 15, July 15, and October 15). Quarterly reports must summarize the progress of the TO installation and compliance with the requirements of paragraph 15.

Kikkoman must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604.

#### **General Provisions**

17. This Order does not affect Kikkoman's responsibility to comply with other local, state, and federal laws and regulations.

18. This Order does not restrict U.S. EPA's authority to enforce the Wisconsin SIP, or any section of the Act.

19. Nothing in this Order limits U.S. EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for Kikkoman's violation of the Wisconsin SIP.

20. Failure to comply with this Order may subject Kikkoman to penalties of up to \$32,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

21. The terms of this Order are binding on Kikkoman, its assignees and successors. Kikkoman must give notice of this Order to any successors in interest, prior to transferring ownership, and must simultaneously verify to U.S. EPA, at the above address, that Kikkoman has given the notice.

22. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic record keeping efforts, please provide your response to this Order without staples. Paper clips, binder clips, and 3-ring binders are acceptable.

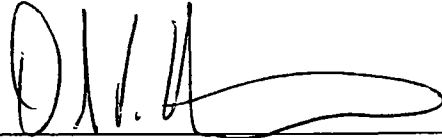
23. U.S. EPA may use any information submitted under this Order in an administrative, civil or criminal action.

24. Kikkoman agrees to the terms of this Order.

25. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate two years from the effective date, provided that Kikkoman has complied with all terms of the Order throughout its duration.

June 27, 2005

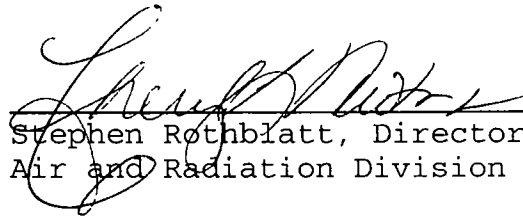
Date



Daniel Miller, Vice President  
Kikkoman Foods, Incorporated

6/29/05

Date



Stephen Rothblatt, Director  
Air and Radiation Division

Enclosure

CERTIFICATE OF MAILING

I, Mony Chabria, certify that I sent the Administrative Consent Order, EPA Order No. EPA-5-05-113(a)-WI-05, by Certified Mail, Return Receipt Requested, to:

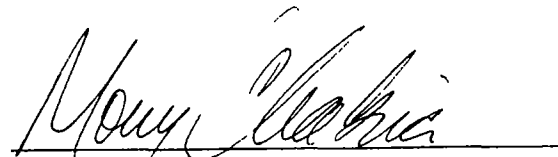
Daniel Miller  
Vice President  
Kikkoman Foods, Inc.  
Hwy 14 and Six Corners Road  
Walworth, WI 53184

I also certify that I sent a copy of the Administrative Consent Order EPA Order No. EPA-5-05-113(a)-WI-05, First Class Mail to:

Linda Bochart  
Michael Best & Friedrich  
One South Pinckney Street  
PO Box 1806  
Madison, WI 53701

Lauren Hambrook  
Environmental Engineering Supervisor  
Air Management, Southeast Region  
9531 Rayne Road Suite 4  
Sturtevant, WI 53177

on the 5<sup>th</sup> day of July, 2005.

  
Mony Chabria  
Associate Regional Counsel

CERTIFIED MAIL RECEIPT NUMBER: 7099 3400 0000 9597 4019